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Of Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

PACIFIC OFFICE AUTOMATION INC., an
Oregon corporation,

Plaintiff,

v.

PITNEY BOWES, INC., a Delaware
corporation; **PITNEY BOWES GLOBAL
FINANCIAL SERVICES, LLC**, a Delaware
limited liability company; **THE PITNEY
BOWES BANK, INC.**, a federal banking
institution; and **WHEELER FINANCIAL
FROM PITNEY BOWES, INC.**, a Delaware
corporation,

Defendants.

Case No. 3:20-cv-00651-AC

**JOINT STATUS REPORT AND
PROPOSED CASE SCHEDULE**

The parties, by and through their respective counsel, submit the following Joint Status
Report and Proposed Case Schedule:

I. Conference

Pursuant to Fed. R. Civ. P. 26(f), counsel for the parties conferred by telephone on September 24, 2020.

II. Initial Disclosures

Counsel for the parties agreed to waive the initial disclosures required by Fed. R. Civ. P. 26(a)(1).

III. Discovery

Counsel for the parties discussed the anticipated discovery for this case and whether discovery should be conducted in phases. The parties are proposing to complete fact discovery by April 23, 2021, and then meet and confer on whether to conduct subsequent expert discovery and dispositive motions in two phases or all at once.

The parties are discussing requirements for production of electronically stored information (ESI) and do not anticipate any issues arising from disclosure, discovery, or preservation of ESI.

The parties entered into a Stipulated Protective Order and Stipulated FRE 502(d) Non-Waiver Order, which the Court entered on September 30, 2020. The parties are not requesting any additional changes or limitations on the scope of discovery under the applicable rules, except as set forth in the proposed case schedule below.

IV. Proposed Case Schedule

Counsel for the parties agreed on and are proposing the following case schedule:

Event	Deadline
Deadline to amend pleadings and add parties	January 15, 2021
Deadline for completion of fact discovery	April 23, 2021
Meet & confer on (1) ADR; (2) need for phasing of expert disclosures and summary judgment motions	April 30, 2021

If the parties cannot agree on whether expert disclosures and summary judgment should be bifurcated, deadline to request a Rule 16 conference for the sole purpose of asking the Court to pick between “Option 1” and “Option 2” set forth below	May 7, 2021
Deadline for filing Joint ADR Report	May 7, 2021

The two options the parties discussed for sequencing expert disclosures and dispositive motions at the conclusion of fact discovery are set forth below.

1. Option 1: If the parties agree to bifurcated expert disclosures and bifurcated dispositive motions or the Court so orders.

Phase 1 of Option 1	
EVENT	DEADLINE
Deadline for all expert reports and disclosures (FRCP 26(a)(2)(B) and 26(a)(2)(C)) on all liability issues as to which a party has the burden EXCEPT the “market power” element for the monopolization claim and the “dangerous probability of success” element for the attempt to monopolize claim	30 days after Rule 16 conference or agreement between parties, but no earlier than June 7, 2021.
Rebuttal expert disclosures (FRCP 26(a)(2)(B) and 26(a)(2)(C))	45 days after expert reports and disclosures
Deadline for “Phase I” Dispositive Motions – All liability issues EXCEPT the “market power” element for the monopolization claim and the “dangerous probability of success” element for the attempt to monopolize claim	60 days after rebuttal expert disclosures
Phase 2 of Option 1 (Contingent on Phase 1 summary judgment motions having been denied)	
Deadline for Plaintiff’s expert disclosures (FRCP 26(a)(2)(B) and 26(a)(2)(C)) on market power, dangerous probability of success, and damages (Depositions of Plaintiff’s experts to follow)	60 days after final District Court ruling on Phase I dispositive motions

Deadline for Defendants' expert disclosures (FRCP 26(a)(2)(B) and 26(a)(2)(C)) on market power, dangerous probability of success, and damages (Depositions of Defendants' experts to follow)	60 days after Plaintiff's expert disclosures
Deadline for Filing "Phase 2" Dispositive Motions (market power, dangerous probability, and damages)	60 days after Defendants' expert disclosures

2. Option 2: If the parties agree not to bifurcate expert disclosures and summary judgment motions, or the Court so orders.

EVENT	DEADLINE
Deadline for all expert reports and disclosures (FRCP 26(a)(2)(B) and 26(a)(2)(C)) on all issues (liability and damages) as to which a party has the burden	June 30, 2021
Rebuttal expert disclosures (FRCP 26(a)(2)(B) and 26(a)(2)(C))	September 30, 2021
Dispositive Motions - all issues	December 3, 2021

Respectfully submitted this 1st day of October, 2020.

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Of Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing **JOINT STATUS REPORT AND PROPOSED CASE MANAGEMENT SCHEDULE** on the following attorneys on the date noted below via the following method:

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Of Attorneys for Defendants

Method: ☐ US Mail, postage prepaid
☐ Email – Courtesy Copy
☐ Facsimile
☐ Hand Delivery
☒ CM/ECF Electronic Service

Dated this 1st day of October, 2020.

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